



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,624	02/09/2000	Dean Amburn	AMB 0101 PA	2881

27572 7590 11/29/2002

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/500,624

Applicant(s)

AMBURN, DEAN

Examiner

Harish T Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This application has been reviewed. Original claims 1-34 are pending. The rejections are as stated below.

#### ***Specification***

1. The abstract of the disclosure is objected to because "comprises" is used in page 29 line 3. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Buist (US Patent 6,408,282).

Regarding claims 1, 19 and 30 Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data), the system generates new orders (buy/sell transaction), decision making process, and transmitting orders to server (computer) [Abs; C1 L5-L67; C2 L1-

L67; C3 L30-L62; C9 L41 to C10 L25; C18 L17-L67; C23 L19-L29; C22 L31-L52; C24 L30-L36].

Regarding claim 2, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data), the system generates new order, decision making process, transmitting orders to server (computer)[references, see claim 1] and navigation from page to page (links) and trade decision making information, Boolean logic, criteria and alert (component) function (decision points)[C2 L35-L45; C3 L30-L55; C23 L19-L57; C34 L25-L40; Figure 17-25]

Regarding claim 3, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and transmitting of buy order, sell order and short-order [C9 L55 to C10 L62].

Regarding claims 4-5, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and receiving market data, storing data and last trade of the day (historical data) and status of account history [Fig. 36; C26 L13-L35; C6 L24-L50; C7 L56 to C8 L31; C11 L54 to C12 L7; C21 L40-L45; C26 L14-L35; C24 L20-L60]

Regarding claims 6, 27-28 and 32-33 Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and trade ticket display and process of stop order [Fig. 35; C12 L8-L67; C14 L25-L50]

Regarding claims 7 & 20 Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and recording the order [C11 L2-L14]

Regarding claims 8, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data) [C23 L5-L57; C24 L40-L55]

Regarding claims 9 & 21 Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data), the system generates new order, decision-making process, transmitting orders to server (computer)[references, see claim 1] and market activity and momentum [C11 L54 to C12 L67]

Regarding claims 10-11, and 16-18, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data), the system generates new order, decision making process, transmitting orders to server (computer) [references, see claim 1] and plurality of work

stations connected to network (integrated network and market database) [C6 L49 to C7 L55].

Regarding claims 11-12, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and decision making process [references, see claim 1] and trade decision making information (model), Boolean logic (logical components), criteria (decision levels) and alert (component) function (decision points)[C2 L35-L45; C3 L30-L55; C23 L19-L57; C34 L25-L40; Figure 17-25]

Regarding claim 13, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and decision making process [references, see claim 10] and monitoring market status (bid, ask, spread, price, quantity (vol.)) [figures 5-8; C11 L54 to C13 L67].

Regarding claim 14, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet [references, see claim 10] and recording the order [C11 L2-L14].

Regarding claims 15, 26 & 31 Buist discloses a real-time system and method for computer-aided trading of securities over the Internet, monitoring market status (bid, ask, spread, price, quantity (vol.)) and executing a cancel order [figures 5-8; C11 L54 to C13 L67] and [Figures 7, 24; C20 L40 to C21 L46].

Regarding claims 22-25, Buist discloses mental calculation (weighting) of stock's status, direction, movement, etc. and critical trade decisions, and decision making process, criteria and alert (component) function and value [Abs; Figures 17-25; C2 L20-L45; C3 L30-L63; C12 L8-L45; C23 L25-L50; C24 L37-L67; C29 L14-L20; C34 L25-40; Fig. 44; C13 L50 to C14 L12; C15 L12-L20; C30 L65 to C31 L13].

Regarding claim 29, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and reference number for order (transaction) and system ID for order (pseudo name)[C10 L40-L63; C19 L34 to C20 L6]

Regarding claim 34, Buist discloses a real-time system and method for computer-aided trading of securities over the Internet and monitoring stock (market data, stock data), the system generates new order, decision making process, transmitting orders to server (computer) [references, see claim 1] and plurality of work stations (terminals) connected to network (integrated network and market database) [C6 L49 to C7 L55].

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

i). US Paten 6,278,982 to Korhammer et al, Aug. 21, 2001 "Securities trading system for consolidation of trading on multiple ECNS and electronic exchanges" discloses a consolidating computer system (CCS) for trading and analyzing selected securities, and more particularly, software that aggregates and integrates securities trading information and order placement from various alternative trading systems ("ATS"), such as electronic communication networks ("ECN"), with NASDAQ or other electronic exchanges. The CCS performs a number of interrelated functions that may be carried out on one computer or a network of computers.

ii). US Patent 5,557,517 to Daughterty, III, Sep. 17, 1996 "System and Method for Determining the price of an expiration less American option and issuing a buy or sell ticket on the current price and portfolio" discloses options on securities which are bought and sold on the regulated exchange around the world.

iii). US Patent 5,845,260 to Nakano et al, Dec. 1, 1998 "System and method for parent-controlled charging for on-line services" discloses, an imaginary (pseudo) account for a child of the relevant user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.




Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass *HTD*  
Examiner  
Art Unit 3628

11/25/02  
November 25, 2002

  
Hyung-SO Sough  
Primary Examiner

## Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at [www.uspto.gov](http://www.uspto.gov) or call the Office of Patent Legal Administration at (703) 305-1622.